

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.K., G.S. and R.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ELLEN WASHINGTON,

Respondent-Appellant,

and

CHARLES KNOWLES, JEFFREY STOKES and
JAMES HORTON,

Respondents.

UNPUBLISHED

April 10, 2003

No. 243792

Lake Circuit Court

Family Division

LC No. 00-000761-NA

Before: Jansen, P.J. and Kelly and Fort Hood, JJ.

MEMORANDUM.

Respondent Washington appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). The children came into care because of respondent's substance abuse history and incarceration. Despite making substantial progress while participating in services, respondent relapsed and, as of the hearing date, was once again incarcerated. Further, the trial court did not clearly err in its determination that the evidence, on the whole record, did not clearly show that termination was not in the children's best interests. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not err in terminating respondent's parental rights to the children. *Trejo, supra* at 356-357.

We find no abuse of discretion in the trial court's denial of respondent's second motion for an adjournment. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993). The court

adjourned the hearing once to give newly appointed counsel an opportunity to prepare. Counsel never indicated that the adjournment did not give him sufficient time to prepare for the hearing and respondent never claimed, as she does now, that she had been unable to confer with counsel. Moreover, she has not shown that counsel's alleged lack of preparedness resulted in the failure to present crucial evidence. Consequently, the court's ruling did not deprive respondent of effective assistance of counsel. *People v Bass (On Rehearing)*, 223 Mich App 241, 253; 565 NW2d 897 (1997). Nor was respondent denied due process; she was given notice of the proceedings and was present for and participated in a hearing before an impartial decisionmaker. *Cummings v Wayne Co*, 210 Mich App 249, 253; 533 NW2d 13 (1995).

Affirmed.

/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly
/s/ Karen M. Fort Hood